

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GRACO, INC. AND GRACO
MINNESOTA INC.,

Civil No. 09-1757 (JRT/RLE)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

TECHTRONIC INDUSTRIES NORTH
AMERICA, INC., ONE WORLD
TECHNOLOGIES INC., AND
TECHTRONIC INDUSTRIES CO.,
LTD.,

Defendants.

Christopher Larus, Damien Riehl, and Kimberly Miller, **ROBINS KAPLAN MILLER & CIRESI LLP**, 800 LaSalle Avenue, Suite 2800, Minneapolis, MN 55402, for plaintiffs.

Amy Vandamme, Melanie Reichenberger, and Richard Marschall, **MICHAEL BEST & FRIEDRICH, LLP**, 100 East Wisconsin Avenue, Suite 3300, Milwaukee, WI 53202; J. Donald Best and John Scheller, **MICHAEL BEST & FRIEDRICH, LLP**, One South Pinckney Street, Suite 700, Madison, WI 53703; Scott Smith, **NILAN JOHNSON LEWIS PA**, 120 South Sixth Street, Suite 400, Minneapolis, MN 55402, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, dated February 10, 2010, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Plaintiffs' Motion to Dismiss Count I of its Complaint, with prejudice, as well as the Defendants' Counterclaims regarding the '067 Patent, is granted [Docket No. 51], but the dismissal of the Defendants' referenced Counterclaims are without prejudice.

2. The Defendants' informal Motion for an award of attorneys' fees is denied.

Dated: March 9, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge